UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUTHORS GUILD, et al.	**ECF CASE**
Plaintiffs,	
v.	No. 1:23cv-08292-SHS-OTW No. 1:23-cv-10211-SHS-OTW
OPEN AI INC., et al.,	
Defendants.	
JONATHAN ALTER, et al.	
Plaintiffs,	
v.	
OPEN AI INC., et al.,	
Defendants	

DECLARATION OF LUCKY VIDMAR IN SUPPORT OF JOINT MOTION TO SEAL

I, Lucky Vidmar, hereby declare as follows:

1.   I have personal knowledge of the facts stated in this declaration and, if called upon as a witness, I would and could competently testify thereto. I submit this declaration in support of the parties' joint motion to seal.

2.   I am Associate General Counsel and I lead Microsoft's IP and AI litigation team. I have been at Microsoft since June 2020. In this role, I am responsible for the overall conduct of discovery and factual investigation for this case. I am also part of a team at Microsoft that provides legal guidance to the business on the development of our generative AI tools in connection with managing litigation and regulatory risk.

3.   It is my understanding that Plaintiffs intend to file letter motions describing and attaching the following documents that have been produced by Microsoft and a third party and designated as Highly Confidential – Attorneys' Eyes Only pursuant to the Protective Order in this case:

    a. MSFT_AICPY_000000575 (Exhibit 1 to Plaintiffs' letter motion regarding the data working group);
    b. MSFT_AICPY_000194522 (Exhibit 3 to Plaintiffs' letter motion regarding the data working group);
    c. Exhibit 6 to Plaintiffs' letter motion regarding Microsoft's LLMs and licenses; and
    d. Exhibit 7 to Plaintiffs' letter motion regarding Microsoft's LLMs and licenses.

4.   MSFT_AICPY_000000575 and MSFT_AICPY_000194522 (exhibits 1 and 3, respectively, to Plaintiffs' letter motion regarding the data working group) contain nonpublic, confidential information about the terms of Microsoft's agreement with OAI and information about ongoing workstreams between Microsoft and OpenAI. This information is highly sensitive to Microsoft and Microsoft only shares the information revealed in these documents on a need-to-know basis whether internally or externally with proper non-disclosure protections in place. Disclosure of such information, including descriptions of these documents in Plaintiffs' letter motions, to the public would be harmful to Microsoft because they reflect highly sensitive and confidential business strategy and decision-making that, if disclosed, could harm Microsoft's competitive advantage and its business relationships.

5.   Exhibits 6 and 7, respectively, to Plaintiffs' letter motion regarding Microsoft's LLMS and licenses contain nonpublic, confidential information about Microsoft's relationship with a third party This information is highly sensitive to Microsoft and Microsoft only shares the information revealed in these documents on a need-to-know basis whether internally or externally with proper non-disclosure protections in place. Disclosure of such information, including descriptions of these documents in Plaintiffs' letter motions, to the public would be harmful to

Microsoft because they reflect highly sensitive and confidential business strategy and decision-making that, if disclosed, could harm Microsoft's competitive advantage and its business relationships.

    I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 18, 2024 at Redmond, Washington.

_____
                Lucky Vidmar